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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA **FILED**

v.

JAN 22 2019 CRIMINAL NO.

19cr48

CERTAIN PERSON

KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 22nd day of January, 2019, upon consideration of the Government's Motion to Impound Information, and accompanying docket papers, and after balancing the public right of access to court documents with the government's interest in protecting an ongoing criminal investigation and prosecution, it is hereby

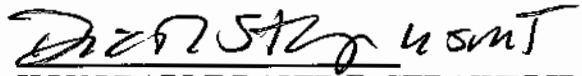
ORDERED

that the within information and accompanying docket papers are IMPOUNDED and to be retained in the custody of the Clerk of Court until notified by Jennifer Arbittier Williams, Attorney for the United States, Acting Under Authority Conferred by 28 U.S.C. § 515, that the defendant has pled guilty, if it occurs before Tuesday, January 29, 2019, or that the government has been informed that a plea hearing cannot be scheduled before Tuesday, January 29, 2019, and the information can be unimpounded, except that the Clerk is authorized to disclose to the attorney for the government the docket number and district court judge assigned to the case, and the attorney for the government is authorized to disclose the information to the district court judge assigned to the case. The Clerk of Court is directed to make no public docket entry of the sealed documents and motion and order to seal, and to provide copies of all sealed documents only to Richard P. Barrett, Frank R. Costello, Jr., and Paul L. Gray, Assistant United States

Attorneys.

IT IS FURTHER ORDERED THAT, the Clerk is directed upon notice from the United States Attorney's Office to remove the docket papers hereby impounded and restore the same to the public docket.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David R. Strawbridge", is written over a horizontal line.

HONORABLE DAVID R. STRAWBRIDGE
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA

v

CERTAIN PERSON

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CRIMINAL NO.

19a48

KATE BARKMAN, Clerk
By _____ Dep. Clerk

MOTION TO IMPOUND INFORMATION

The United States of America, by and through its attorneys, Jennifer Arbittier Williams, Attorney for the United States, Acting Under Authority Conferred by 28 U.S.C. § 515, for the Eastern District of Pennsylvania, and Frank R. Costello, Jr., and Paul L. Gray, Assistant United States Attorneys for the District, moves to impound the within documents and in support of its Motion states as follows:

1. The within information, and accompanying docket papers, are documents which, if made public, would jeopardize the government's interest in protecting an ongoing criminal investigation and prosecution.

2. Although the public has a common law right of access to judicial proceedings and papers, matters relating to protecting an ongoing criminal investigation and prosecution are traditionally conducted *ex parte* and *in camera*, with deference to the government's determination that the information should be sealed.

3. The defendant named in the within information and his attorneys have advised the government that the defendant will plead guilty to the information. The defendant and his attorneys have signed a guilty plea agreement.

4. During the investigation of this case, the government learned that at least

one of the targets of the investigation which resulted in this information, who is a close friend of the defendant charged in the information, has demonstrated in the past that he is capable of influencing those around him. The government has reason to believe that if the within information were made public before the defendant pleads guilty and before the target is charged, by indictment, which the government anticipates may occur on Tuesday, January 29, 2019, this target, or other subjects and target who are close to him, might try to convince the defendant not to enter a plea of guilty. The government also realizes that due to circumstances beyond the control of the government, the parties may not be able to schedule a plea hearing before January 29, 2019. For these reasons, the government requests that the information be sealed until after the defendant pleads guilty to the within information, if a hearing can be scheduled before Tuesday, January 29, 2019. If the government is informed that a plea hearing cannot be scheduled before Tuesday, January 29, 2019, the government will unseal the information at that time. Thus, if this motion is granted, the information will not be sealed past Monday, January 28, 2019, under any circumstance.

5. Accordingly, balancing the public's right of access to judicial documents with the government's interest in not jeopardizing an ongoing criminal investigation and prosecution, the government respectfully requests that the government's Motion be GRANTED. The government further requests that the Clerk of Court be directed to make no public docket entry of the sealed documents and motion and order to seal, and to provide copies of all sealed documents only to Richard P. Barrett, Frank R. Costello, Jr., and Paul L. Gray, Assistant United States Attorneys.

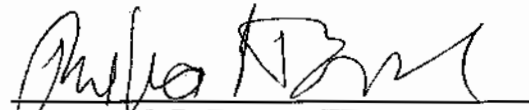
6. It is further requested that the information shall be unimpounded upon notice of the Jennifer Arbittier Williams, Attorney for the United States, Acting Under Authority Conferred by 28 U.S.C. § 515, that the defendant has pled guilty to the within information, or the target has been indicted.

Respectfully submitted,

JENNIFER ARBITTIER WILLIAMS

Attorney for the United States

Acting Under Authority Conferred by 28 U.S.C. § 515

A handwritten signature in black ink, appearing to read "Richard P. Barrett", is written over a horizontal line.

RICHARD P. BARRETT

FRANK R. COSTELLO, JR.

PAUL L. GRAY

Assistant United States Attorneys